

**KOBRE & KIM LLP**

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*Attorneys for BSI AG*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the  
Liquidation of Bernard L. Madoff Investment  
Securities LLC,

Plaintiff,

v.

BSI AG, individually and as successor in interest  
to BANCO DEL GOTTARDO AG,

Defendant.

Adv. Pro. No. 12-01209 (CGM)

**ORAL ARGUMENT REQUESTED**

**NOTICE OF MOTION TO DISMISS PLAINTIFF'S AMENDED COMPLAINT**

PLEASE TAKE NOTICE that, upon the Memorandum of Law in Support of Motion to Dismiss Plaintiff's Amended Complaint and the accompanying Declaration of Paul A. Kanellopoulos dated as of the date hereof and exhibits thereto, Declaration of Massimo Antonini, Declaration of Andrea Russi, and all prior pleadings and proceedings herein, Defendant BSI AG ("Defendant") will move this Court on October 19, 2022 at 10:00 a.m. (prevailing Eastern time), or as soon thereafter as counsel may be heard, for an order dismissing the Amended Complaint (Dkt. No. 116) filed by Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, pursuant to Rules 12(b)(2) and 12(b)(6) of the Federal Rules of Civil Procedure, made applicable here by Rule 7012 of the Federal Rules of Bankruptcy Procedure.

PLEASE TAKE FURTHER NOTICE that, pursuant to a Stipulation and Order, any oppositions to this motion shall be filed by August 26, 2022, and any reply in further support of this motion shall be filed by September 30, 2022.

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 7012(b) of the Federal Rules of Bankruptcy Procedure, Defendant does not consent to the entry of final orders or judgment by this Court.

Dated: June 24, 2022  
New York, New York

Respectfully Submitted,

/s/ Adam M. Lavine

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